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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,131	02/12/2001	Nancy K. Smrcka	Z-0001	9835
7590 Chevron Corporation Law Department Patent and Licensing Unit P.O. Box 6006 San Ramon, CA 94583-0806				
EXAMINER				
OUELLETTE, JONATHAN P				
ART UNIT		PAPER NUMBER		
3629				
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04/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/782,131

Applicant(s)

SMRCKA ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

Period for Reply -- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-11, 13-65 and 67-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-65, and 67-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. Claims 2, 12, and 66 have been previously cancelled; therefore, Claims 1, 3-11, 13-65, and 67-70 are currently pending in application 09/782,131.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-11, 13-65, and 67-70** are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldam (WO 02/071677 A2) in view of Asplen (US 6,044,354).
4. As per **independent Claims 1, 16, 39, and 56**, Aldam discloses a method of product development and commercialization comprising: (a) determining customer requirements for a chemical product (pg.7); (c) setting final requirements (pg.7-8, setting plan goal); (d) approving said final requirements (pgs.7-8, implementing goals); (e) selecting a base technology; (f) modifying said base technology to meet said final requirements; (g) approving said base technology selection and said modifications; (h) testing said modified base technology to verify it meets said final requirements; (i) approving said testing of said modified base technology (pg.12 tracking product development information); (j) checking compliance with at least a portion of the relevant health and

safety laws and regulations of at least a portion of the jurisdictions where the modified base technology will be made, transported, or sold (pg.8, received modules – regulatory information); performing any required compliance tests, and electronically providing the results of any required tests to a government agency in the format approved by the government agency (pg.8, submitting reports to regulatory agency; pg.13, tests); (k) approving said assurance of compliance; and (l) manufacturing/commercializing said modified base technology; (m) storing all data entered, retrieved, processed, created, stored, or modified in one or more central or distributed mutually accessible computer readable databases; (Pg. 2) and (n) sending an electronic mail notification to a participant in the method or an interested person upon completion of at least one of the steps of the method; wherein the electronic mail notification is controlled by software code portion listener module which listens for completion of a step being stored in the database, and upon such occurrence of the completion being stored, the listener module passes an instruction to an email application to send a pre-determined message to a participant (pgs.13-14).

5. Aldam fails to expressly disclose (b) determining the return on investment of developing said chemical product per said customer requirements; and/or (o) immediately prior to each approval step (d), (g), (i), or (k) above, locking portions of the database sufficient to prevent continuation of the process without completing the respective approval step and unlocking the locked portions of the database after the respective approval step is completed.

6. Asplen discloses a product development system (C2, Turboplan) for managing the product development process from initial idea to commercialization of the product, to include a entering a new idea based on customer requirements (C2 L52-57), performing an opportunity assessment on the new idea (C3-C4, ROI analysis), and for managing the process, so that one step has to be complete before the system allows development of the new idea on the next level (C3-C5, C5 L26-33, planning process moves to next chapter once current chapter is complete).
7. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included determining the return on investment of developing said chemical product per said customer requirements; and/or immediately prior to each approval step (d), (g), (i), or (k) above, locking portions of the database sufficient to prevent continuation of the process without completing the respective approval step and unlocking the locked portions of the database after the respective approval step is completed, as disclosed by Asplen in the system disclosed by Aldam, for the advantage of providing a method of product development with the ability to increase system efficiency and management, by allowing the user to complete a number of economic analysis tests on a new idea before dedicating money to the project, and by allowing the user to follow a checks and balances system to ensure that the process of developing a new product is properly followed and all the necessary steps are properly covered.
8. As per Claims 3, 26, 27, 49, 50, and 60, Aldam and Asplen disclose sending an electronic mail notification to a participant in the method or an interested person upon completion of one of the steps of the method (See rejection of independent claim).

9. As per Claims 4, 43, and 58, Aldam and Asplen disclose wherein all participants in the method and authorized persons may access at least a portion of said database.
10. As per Claims 5, 44, and 45, Aldam and Asplen disclose wherein said access includes a plurality of pre-defined views, thereby permitting quick information sorting.
11. As per Claims 6, 18, 42, and 57, Aldam and Asplen disclose wherein said access to said database is available globally from any personal computer having installed thereon a client application configured to perform database management system functions with said database and having a network connection configured to allow communication between said client application and said database.
12. As per Claims 7, 21, and 45, Aldam and Asplen disclose wherein the steps are performed sequentially such that a later step is not performed until all earlier steps are completed.
13. As per Claims 8, 22, and 46, Aldam and Asplen disclose locking at least a portion of said steps prior to the completion of all earlier steps and unlocking said steps upon completion of all earlier steps, thereby preventing entering a step out of order without authorization.
14. As per Claims 9, 23, 47, and 59, Aldam and Asplen disclose locking at least a portion of said steps after their completion, thereby preventing revision of said steps without authorization.
15. As per Claims 10, 25, and 48, Aldam and Asplen disclose terminating the method at any step, wherein said termination prevents further revision of any step in the method.
16. As per Claims 11 and 24, Aldam and Asplen disclose a step to maintain version control of said approved final requirements in step (d), said approved base technology selection

and modifications in step (g), or said approved qualification of modified base technology in step (i).

17. As per Claims 13, 28, 51, and 61, Aldam and Asplen disclose recording in said database action items for completing one or more steps of the method, electronically notifying the responsible persons of said actions items, and tracking completion of said action items.
18. As per Claims 14, 31, and 63, Aldam and Asplen disclose wherein one or more of said steps is at least in part completed by selecting items from a menu, list box, drop down list, or other selection device available in a personal computer graphical user interface, thereby reducing typing time and errors.
19. As per Claim 15, Aldam and Asplen disclose plotting the actual versus planned progress of said steps on a timeline, for measuring and improving performance and productivity of practicing said method.
20. As per Claims 17 and 41, Aldam and Asplen disclose storing all data entered, retrieved, processed, created, stored, or modified in one or more central or distributed mutually accessible databases.
21. As per Claim 19, Aldam and Asplen disclose wherein all participants in the method and authorized persons may access at least a portion of said database, and the graphical user interface presented matches the person's type of database access.
22. As per Claim 20, Aldam and Asplen disclose wherein said access includes a plurality of pre-defined views, thereby permitting quick information sorting and searching.
23. As per Claims 29 and 52, Aldam and Asplen disclose preventing said approval step (t) from being performed while any action items are incomplete.

24. As per Claims 30, 53, and 62, Aldam and Asplen disclose wherein upon a termination of an instance of said method having incomplete action items results in sending an automatic electronic mail notification of said termination and the respective incomplete action item to each respective participant responsible for each respective incomplete action item.
25. As per Claim 32, Aldam and Asplen disclose wherein database users can enter new items in menus, list boxes, drop down lists or other selection devices after which these new items become part of the selection lists for instances of said method.
26. As per Claim 33, Aldam and Asplen disclose wherein at least a portion of said steps comprise copying template forms that are stored in the database thereby insuring data consistency.
27. As per Claim 34, Aldam and Asplen disclose wherein said template forms are revisable at any time by authorized administrators and wherein upon said revision the template forms become immediately available for use by future instances of said method.
28. As per Claim 35, Aldam and Asplen disclose wherein reference forms are stored in the database and are made available to users thereby providing assistance in completing said steps.
29. As per Claim 36, Aldam and Asplen disclose wherein said reference forms are revisable at any time by authorized administrators and wherein upon said revision the reference forms become immediately available for use by future instances of said method.
30. As per Claims 37, 54, and 64, Aldam and Asplen disclose wherein administration of the database comprises providing, changing or revoking user access, maintaining items in

various selection lists, maintaining template forms, reference forms and help forms, and wherein said administration is performed only by authorized persons.

31. As per Claims 38, 55, and 65, Aldam and Asplen disclose performing said administration in a graphical user interface and wherein said administration does not require knowledge of computing languages.
32. As per Claim 40, Aldam and Asplen disclose after said storing step (j), a step for commercializing said modifying base technology.
33. As per Claim 70, Aldam and Asplen disclose wherein the checking compliance step further comprises electronically providing the results of such step to a government agency in a format approved by the government agency.
34. As per **independent Claim 67**, Aldam discloses a product development and commercialization management information system comprising: (a) a collaborative work space, wherein multiple participants can individually and jointly work on a project (networked system): (1) configured at least partially automating workflow of chemical product development and commercialization projects from determining customer requirements, through determining a base technology, determining any needed modifications of said base technology, and testing said modified base technology to verify compliance with customer requirements, and configured for adding/changing the participants in a project (product development); (2) configured for assigning, tracking and providing notification of tasks relating to a chemical product development project or group of projects; (3) configured for providing a collaborative work space comprising a secure/searchable communication repository linked to chemical product development

projects or logical grouping of projects and their tasks, for communications with and between project participants and customers, configured for recording, channeling, and archiving said communications; (5) configured for importing lab data (pg.13, report data); (6) configured for providing a secure and searchable document repository linked to projects or logical groupings of projects, wherein said documents are in final format; and (b) a computer readable database: (1) configured for storing a chemical product development project's history and details, said history and details comprising the types of data, time schedules, status of all steps in the project, contact information, results of all steps in the project, and documents and information supporting all steps in the project (project tracking); and (2) configured for searching said stored history and details and for generating reports from same (database management); (3) configured for sending an electronic mail notification to pre-determined persons upon updating of the database; wherein the electronic mail notification is controlled by a software code portion listener module which listens for updating of the database, and upon such occurrence of the updating, the listener module passes an instruction to an email application to send a pre-determined message to the pre-determined persons (pgs.13-14); (c) a computer network for connecting said collaborative workspace and computer-readable database (pg.5-6, and 9); and (d) means for providing for different levels of secure access for different users (pg. 9-10).

35. Aldam does disclose tracking product development, marketing, and production information; however, Aldam fails to expressly disclose completing a financial analysis

of project viability, and being configured for financial tracking and/or forecasting for a project or a logical grouping of projects.

36. Asplen discloses a product development system (C2, Turboplan) for managing the product development process from initial idea to commercialization of the product, to include a entering a new idea based on customer requirements (C2 L52-57) and performing an opportunity assessment on the new idea (C3-C4, Financial/Economic analysis).
37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included completing a financial analysis of project viability, and being configured for financial tracking and/or forecasting for a project or a logical grouping of projects, as disclosed by Asplen in the system disclosed by Aldam, for the advantage of providing a method of product development with the ability to increase system efficiency and management, by allowing the user to complete a number of economic analysis tests on a new idea before dedicating money to the project
38. As per Claim 68, Aldam and Asplen disclose wherein said network comprises the Internet.
39. As per Claim 69, Aldam and Asplen disclose wherein said collaborative workspace comprises a client application comprising a web browser.

Response to Arguments

40. Applicant's arguments filed 1/22/2008, with respect to Claims 1, 3-11, 13-65, and 67-70 have been considered but are not persuasive. The rejection will remain as FINAL, based on the cited prior art.
41. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
42. The Applicant has made the argument that the cited prior art fails to teach or suggest wherein the electronic mail notification is controlled by software code portion listener module which listens for completion of a step being stored in the database, and upon such occurrence of the completion being stored, the listener module passes an instruction to an email application to send a pre-determined message to a participant.
43. However, Aldam discloses a system that includes "active tracking;" wherein data elements are monitored and when a threshold or criteria is met the system automatically notifies the appropriate personnel – equivalent to claimed element (pg.14 – see examples).

Conclusion

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
46. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

April 16, 2008

/Jonathan Ouellette/

Primary Examiner, Art Unit 3629